	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		ASSISTANCE ID NO.		DATE OF AWARD 06/23/2011 MAILING DATE 06/30/2011 ACH# 90103	
			PRG	DOC ID		AMEND#
			I -	98902710		- 2
			TYPE OF ACTION Augmentation: Increase			
RECIPIENT TYPE: Indian Tribe		PAYMENT METHOD: Advance		Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423		
RECIPIENT: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754		PAYEE: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410				
PROJECT MANAGER Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: marie.barry@washoetribe.us Phone: 775-265-8682		EPA PROJECT OFFICER Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephanie@epa.gov Phone: 775-885-6190		EPA GRANT SPECIALIST GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epa.gov Phone: 415-972-3661		
PROJECT TITLE AND EXPLANATION OF CHANGES FY10-12 Water Pollution Control Program The purpose of this program is to develop and implement the Washoe Tribe of Nevada and California's Clean Water Act (CWA) Section 106 program. The Tribe will conduct surface water monitoring and assessment, continue treatment as a State and water quality standards development, participation in Regional Tribal Operations Committee (RTOC) and National Tribal Operations Committee (NTOC), provide education and outreach to achieve effective tribal consultation and continue progress reporting to EPA. This amendment increases the federal funding amount by \$165,000. The revised federal funding amount for this award is \$499,694.						
BUDGET PERIOD 07/01/2009 - 06/30/2012		PROJECT PERIOD 07/01/2009 - 06/30/2012		TOTAL BUDGET PERIOD COST \$525,994.00		
				TOTAL PROJECT PERIOD COST \$525,994.00		
NOTICE OF AWARD Based on your application dated 03/22/2011, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$165,000. EPA agrees to cost-share 95.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$499,694. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Carolyn Truong, Grants Management Officer		DATE 06/23/2011		
AFFIRMATION OF AWARD						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE		TYPED NAME AND TITLE Wanda Batchelor, Chairwoman		DATE		

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 334,694	\$ 165,000	\$ 499,694
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 17,615	\$ 8,685	\$ 26,300
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 352,309	\$ 173,685	\$ 525,994

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.419 - WPC State and Interstate Program Support	Clean Water Act: Sec. 106	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1109W0E015	11	E1	09LA0D5	202B06E	4117			165,000
									165,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$272,292
2. Fringe Benefits	\$108,266
3. Travel	\$16,775
4. Equipment	\$7,912
5. Supplies	\$2,814
6. Contractual	\$39,405
7. Construction	\$0
8. Other	\$27,400
9. Total Direct Charges	\$474,864
10. Indirect Costs: % Base <u>various rates apply</u>	\$51,130
11. Total (Share: Recipient <u>5.00</u> % Federal <u>95.00</u> %.)	\$525,994
12. Total Approved Assistance Amount	\$499,694
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$165,000
15. Total EPA Amount Awarded To Date	\$499,694

Administrative Conditions


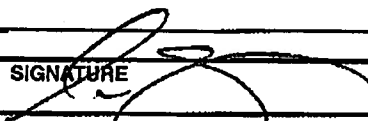
Administrative Conditions Remain the Same.

Programmatic Conditions

Programmatic Condition P5 has been added. All other Programmatic Conditions remain the same.

P5. EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

END OF DOCUMENT

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	ASSISTANCE ID NO.			DATE OF AWARD 06/23/2010
		PRG	DOC ID	AMEND#	
		I - 98902710 - 1			
		TYPE OF ACTION Augmentation: Increase			MAILING DATE 06/30/2010
PAYMENT METHOD: Advance			ACH# 90103		
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423		
RECIPIENT: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754			PAYEE: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410		
PROJECT MANAGER Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: marie.barry@washoetribe.us Phone: 775-265-8682		EPA PROJECT OFFICER Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephania@epa.gov Phone: 775-895-6190		EPA GRANT SPECIALIST GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epa.gov Phone: 415-972-3681	
PROJECT TITLE AND EXPLANATION OF CHANGES FY10/11 Water Pollution Control The purpose of this program is to develop and implement the Washoe Tribe of Nevada and California's Clean Water Act (CWA) Section 106 program. The Tribe will conduct surface water monitoring and assessment, groundwater potential contaminant sources (PCS) monitoring, wetland monitoring and assessment, treatment as a State and water quality standards development, participation in Regional Tribal Operations Committee (RTOC) and National Tribal Operations Committee (NTOC) and progress reporting to EPA. This amendment increases the EPA funding amount by \$169,694 and extends the budget and project period ending dates to June 30, 2011. The revised EPA funding amount is \$334,694.					
BUDGET PERIOD 07/01/2009 - 06/30/2011		PROJECT PERIOD 07/01/2009 - 06/30/2011		TOTAL PROJECT PERIOD COST \$352,309.00	
				TOTAL BUDGET PERIOD COST \$352,309.00	
NOTICE OF AWARD Based on your application dated 05/12/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$169,694. EPA agrees to cost-share 95.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$334,694. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Carolyn Truong, Grants Management Officer		DATE 08/23/2010	
AFFIRMATION OF AWARD BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE 		TYPED NAME AND TITLE Waldo Walker, Chairman		DATE 5/13/10	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 165,000	\$ 169,694	\$ 334,694
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 8,684	\$ 8,931	\$ 17,615
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 173,884	\$ 178,625	\$ 352,309

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.419 - WPC State and Interstate Program Support	Clean Water Act: Sec. 106	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1009W0E060	10	E1	09LA0D5	202B06E	4117			169,694
									169,694

Table A - Object Class Category (Non-construction)		Total Approved Allowable Budget Period Cost
1. Personnel		\$188,453
2. Fringe Benefits		\$73,550
3. Travel		\$11,875
4. Equipment		\$5,727
5. Supplies		\$2,060
6. Contractual		\$18,578
7. Construction		\$0
8. Other		\$17,400
9. Total Direct Charges		\$317,443
10. Indirect Costs: % Base <u>various rates apply</u>		\$34,866
11. Total (Share: Recipient <u>5.00</u> % Federal <u>95.00</u> %.)		\$352,309
12. Total Approved Assistance Amount		\$334,694
13. Program Income		\$0
14. Total EPA Amount Awarded This Action		\$169,694
15. Total EPA Amount Awarded To Date		\$334,694

Administrative Conditions

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Administrative Condition #1, #7, and #8 have been revised. Condition #2 has been deleted. Conditions #14 and #17 have been added. All Other Administrative Conditions Remain the Same.

REVISED:

1. An Interim Federal Financial Report (FFR), Standard Form 425, covering the period from "project/budget period start date" to June 30 of each calendar year shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, no later than September 30 of the same calendar year. The final FFR covering the entire project period shall be submitted within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 30.52(a)(1)(iv) and 30.71(a), or Part 31.23(b) and 31.41(b) (as applicable). The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

7. Payment to consultants. Per 40 CFR Part 31.36(j), EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. As of January 1, 2010, the rate is \$596 per day and \$74.50 per hour. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

8. The recipient's last approved indirect cost rate has expired. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost rate proposal covering the time period of the costs being claimed for reimbursement is approved by the Department of Interior (DOI), National Business Center.

ADDED:

14. To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.

b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.

c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

15. EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

16. Congress has prohibited EPA from using its FY 2010 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Recipients should direct any questions about this prohibition to their EPA Grants Management Office.

17. Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2) or Part 30.27(b).

Programmatic Conditions


Programmatic Condition P4 has been added. All other Programmatic Conditions remain the same.

ADDED:

P4. This grant includes the performance of environmental measurements. A Quality Assurance Plan was approved by the Washoe Tribe and EPA on November 13, 2000. However, the Tribe has submitted a revised QA Plan to EPA to cover new measurement activities. Comments on the revised plan were provided to the Tribe by the QA Office in 2009. The Tribe will submit within 6 months, a revised QAPP that addresses the EPA QA Office comments. Water monitoring activities under the existing plan may continue while the QA Plan revision is being completed. The revised QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer. Emergency

measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption. Contact the QA Office at (415) 972-3411.

END OF DOCUMENT

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement		ASSISTANCE ID NO.		DATE OF AWARD 06/10/2009 MAILING DATE 06/17/2009 ACH# 90103	
			PRG	DOC ID		AMEND#
			I - 98902710 - 0			
			TYPE OF ACTION Continuation			
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423			
RECIPIENT: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754			PAYEE: Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410			
PROJECT MANAGER Marie Barry 919 Highway 395 South Gardnerville, NV 89410 E-Mail: marie.barry@washoetribe.us Phone: 775-265-8682		EPA PROJECT OFFICER Stephanie Wilson 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: Wilson.Stephanie@epa.gov Phone: 775-885-6190		EPA GRANT SPECIALIST GwenL Brown Grants Management Office, MTS-7 E-Mail: Brown.GwenL@epa.gov Phone: 415-972-3661		
PROJECT TITLE AND DESCRIPTION SFY 10 Water Pollution Control Program This assistance agreement provides federal funding in the amount of \$165,000. This program implements the Washoe Tribe's water quality goals of protecting water quality on a watershed basis through collection of surface and ground water, water quality data and wetland monitoring data for assessment and management of Tribal water quality and to support development of the Tribal water quality program and water quality standards.						
BUDGET PERIOD 07/01/2009 - 06/30/2010		PROJECT PERIOD 07/01/2009 - 06/30/2010		TOTAL BUDGET PERIOD COST \$173,684.00	TOTAL PROJECT PERIOD COST \$173,684.00	
NOTICE OF AWARD Based on your application dated 04/15/2009, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$165,000. EPA agrees to cost-share 95.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$165,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9 Water Division, WTR-1 75 Hawthorne Street San Francisco, CA 94105			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Carolyn Truong, Grants Management Officer		DATE 06/10/2009		
AFFIRMATION OF AWARD						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE		TYPED NAME AND TITLE Waldo Walker, Chairman		DATE		

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 165,000	\$ 165,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 8,684	\$ 8,684
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 173,684	\$ 173,684

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.419 - WPC State and Interstate Program Support	Clean Water Act: Sec. 106	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	0909W0E012	09	E1C	09LA0D5	202B06E	4117			165,000
									165,000

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$90,874
2. Fringe Benefits	\$34,778
3. Travel	\$6,175
4. Equipment	\$5,727
5. Supplies	\$1,280
6. Contractual	\$9,065
7. Construction	\$0
8. Other	\$8,700
9. Total Direct Charges	\$156,599
10. Indirect Costs: 12.05% Base 141,807	\$17,085
11. Total (Share: Recipient 5.00 % Federal 95.00 %.)	\$173,684
12. Total Approved Assistance Amount	\$165,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$165,000
15. Total EPA Amount Awarded To Date	\$165,000

Administrative Conditions

1. An interim Financial Status Report (FSR), Standard Form 269A (Rev. 7/97), covering the period from "project/budget period start date" to June 30 of each calendar year shall be submitted to the Grants Management Office, MTS-7, no later than September 30 of the same calendar year. **The initial interim FSR is due September 30, 2010.** The final FSR covering the entire project period shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 31.23(b) and 31.41(b). The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Financial Status Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

2. The recipient will provide timely reporting of cash disbursements and balances through annual submission (January - December) of a Federal Cash Transactions Report (SF272 and SF272A). The appropriate reports must be submitted to the Las Vegas Finance Center within 15 working days following the end of each calendar year. The recipient may access these forms and the instructions for submission at <http://www.epa.gov/ocfo/finservices/payinfo.htm>.

3. In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. For fiscal periods 2002 to 2007 recipients are to submit hardcopy to the following address:

Federal Audit Clearinghouse
1201 East 10th Street
Jeffersonville, IN 47132

For fiscal periods 2008 and beyond the recipient MUST submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the 2008 and beyond Single Audit Submissions you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>.

4. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements as set forth in 40 CFR Part 33. The EPA DBE rule can be accessed at <http://www.epa.gov/osbp>. In addition, the recipient agrees to make good faith efforts whenever procuring construction, equipment, services and supplies under an EPA assistance agreement, and to ensure that sub-recipients, loan recipients, and prime contractors also comply with 40 CFR Section 33.301. Records documenting compliance with the six good faith efforts shall be retained.

Pursuant to 40 CFR, Section 33.412, Tribal and Insular Area recipients are not required to negotiate fair share goals with EPA until May 27, 2011. Thereafter, Tribal and Insular Area recipients are required to adhere to the full requirements of 40 CFR, Part 33, Subpart D, as applicable.

A recipient of a Continuing Environmental Program Grant or other annual grant agrees to create and maintain a bidders list. A recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also agrees to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Refer to 40 CFR Section 33.501 (b) and (c) for specific requirements and exemptions.

5. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-20A), within 30 days after the end of the Federal fiscal year; i.e., by October 30 of each calendar year. Negative reports are required. Only procurements with certified

MBE/WBEs are counted towards a recipient's MBE/WBE accomplishments. A final MBE/WBE report must be submitted within 90 days after the end of the project period. Your grant cannot be officially closed without all MBE/WBE reports. EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the internet at www.epa.gov/osbp.

6. When procuring services, equipment, and/or supplies under this assistance agreement, the recipient will follow the same policies and procedures it uses for procurements from its non-Federal funds. The recipient will follow their own procurement policies and procedures provided that the policies and procedures conform with EPA regulations 40 CFR Part 31.36 or 30.44 (as applicable) which state that all procurement transactions will be conducted in a manner providing full and open competition.

7. Payment to consultants. Per 40 CFR **Part 31.36(j)**, EPA's participation in the salary rate (excluding overhead and travel) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills and if the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. As of January 1, 2009, the rate is \$587.20 per day and \$73.40 per hour. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms or individuals for services which are awarded using the procurement requirements in 40 CFR 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2).

8. The recipient's last approved indirect cost rate has expired **12/31/2008**. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost rate proposal covering the time period of the costs being claimed for reimbursement is approved by the Department of Interior (DOI), National Business Center.

9. The recipient shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective 2 CFR 220, 225, or 230 (formerly OMB Circular A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.

10. In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423 (Strengthening Federal Environmental, Energy and Transportation Management dated January 24, 2007), the recipient shall use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

11. The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

12. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of

the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

13. The recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." The recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at www.epls.gov. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

Programmatic Conditions

P1. Modifications to the approved workplan, including additions, deletions, or changes in the schedule, shall be submitted in a timely manner to the EPA Project Officer for approval.

P2. The grantee shall prepare and submit quarterly progress reports to self evaluate and to jointly evaluate annual performance under the grant including: status of each workplan goal, task, deliverable, status of expenditures for the reporting period; summary of accomplishments including the reporting of environmental results and discussion of problems impacting or expected to impact performance; and tasks not on schedule and proposed dates of completion. Each report is due on the 30th day after the end of the quarter i.e., January 30, April 30, July 30, and October 30. The recipient shall submit a final report within 90 days of the end of the project period.

P3. Equipment will be acquired under this assistance agreement. Note that all equipment purchased has a per unit value of less than \$5000 per unit (per 40 CFR Part 31.3). When the equipment is no longer needed for this project, the recipient will be allowed to continue to use it on this project or on other federally funded projects whether or not supported by Federal funds.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

November 26, 2012

Ms. Marie Barry, Director
Washoe Tribe Environmental Protection Department
Washoe Tribe of Nevada and California
919 Highway 395 South
Gardnerville, Nevada 89410

Subject: EPA's End of Year Evaluation of the Clean Water Section 106 FY09, FY10, FY11 Grant (I-98902710)

Dear Ms. Barry:

EPA has reviewed the Washoe Tribe of Nevada and California's performance under Clean Water Act Section 106 Grant (Grant I-98902710) for the budget and project periods of 7/01/2009 through 6/30/2012. This review was based on the quarterly reports, the Tribe's final report, and supplemental information submitted to EPA. We have concluded that the Washoe Tribe of Nevada and California performed satisfactorily in all five core areas of grant performance (properly managed equipment, workplan progress, sufficient funds to complete the project, complying with all programmatic terms and conditions, and complying with all programmatic statutory and regulatory requirements). The report including EPA's findings, successes and recommendations is enclosed for your review.

Please contact me if you have any questions or comments regarding the attached report. Thank you for your continued hard work to protect Washoe water quality.

Sincerely,

A handwritten signature in black ink that reads "Stephanie L. Wilson".

Stephanie L. Wilson
Project Officer

cc: Gwen Brown, EPA, PMD-7

**WASHOE TRIBE OF NEVADA AND CALIFORNIA
END OF GRANT REPORT
CLEAN WATER ACT 106 GRANT
Grant No. I-98902710**

Introduction

An initial FY09 Clean Water Act Section 106 grant award was made to the Washoe Tribe of Nevada and California on June 17, 2009. A Clean Water Act Section 106, FY2010 grant award was added to the existing grant on June 30, 2010 and a 2011 CWA 106 grant award was added on June 30, 2011. The Grant Agreement covers the budget and project period of 7/1/2009 – 6/30/2012. Federal funding awarded was \$499,694. A 5% match is required. Matching funds in the amount of \$26,300 were provided by the recipient.

The objectives of this program were to build Tribal capacity for the water quality program, surface and ground water monitoring, wetland assessment, NPDES program development and water quality standards development.

Current Findings

1. All tasks funded have been completed or are in progress.
2. Equipment purchases were approved. The Tribe purchased a Data Logger Probe, Adobe Professional Software, Data Logger and a Toyota 4 Runner.
3. The Final Federal Financial Report was submitted. The Tribe expended all funds except \$67,802.37.
4. Programmatic terms and conditions have been met.
5. Programmatic statutory and regulatory requirements have been met.

Successes

Activities completed include the following (as well as many others):

1. **Water Quality Monitoring and Quality Assurance (FY09/10/11)**
The water quality sampling was completed by the Tribe each year and according to the QAPP. The Tribes' expanded sampling included water quality parameters, visual/vegetation surveys, wildlife/birds surveys and monitoring for point source and nonpoint source potential impacts to water quality. Stormwater sampling was completed after storm events in Tribal Fiscal Year (TFY) 2010 and 2011. Stormwater sampling did not occur in 2012 due to drought conditions. Throughout TFY 2010, 2011 and 2012, the Tribe worked on developing their water quality database and researching ways to have the lab submit sampling results in electronic WQX format. In TFY12, the sampling results were submitted in electronic form to WQX with help from the EPA circuit rider. Tribal staff worked through errors in the submittal

process and created a functional WQX spreadsheet. In TFY12, the Tribe updated the SAP/QAPP to include newer field techniques and data management of biological information. EPA's QA Office asked the Tribe to do analysis of data to see if some parameters could be dropped from monitoring. The Tribe is working on the analysis which will be an appendix to the updated QAPP.

2. Program Evaluation (FY09/10/11)

The Tribe submitted the annual Water Quality Assessment Report and accompanying templates which summarized the results of their 2009, 2010 and 2011 sampling efforts.

3. Groundwater Monitoring (FY09/10)

In TFYs 2010 and 2011, the Tribe conducted PCS inventories monthly or quarterly at each wellhead protection area in the 4 communities. They continued to ground truth the wellhead protection areas. The Tribe drafted a community education door hanger for wellhead protection. The Tribe assisted in a clean-up of refuse and debris from a residence impacting the Carson City wellhead. They also conducted ground water monitoring in collaboration with the Bureau of Reclamation at the Stewart Community and Lower Clear Creek.

4. Wetland Monitoring and Assessment (FY09/10)

In TFY 2010 and 2011, the Tribe completed quarterly photo monitoring and biological assessments of 3 valley level, high desert palustrine emergent wetlands. The health of the wetlands areas was evaluated and tracked through the monitoring. The wetlands were incorporated into the WEPD's 2002 Wetland Inventory. The Tribe is using the Proper Function Condition (PFC) method for prioritizing, designing and scheduling restoration project, including structural and management changes. The Tribe collaborated with the Douglas County Weed Control on noxious weed management and treated noxious weeds impacting Tribal wetland systems. In TFY 2012, the Tribe amended the 2003 Wetland QAPP to include updated sampling procedures. It was submitted to EPA. EPA provided comments and the Tribe is working on responses to comments.

5. Program Capacity Building and Coordination (FY09/10/11)

In TFY 2012, the Tribe completed an NPDES Year End Report on Permitting and Enforcement Activities. Washoe Environmental Protection Department (WEPD) staff created and filed Construction General Permits with the EPA under the NPDES program through the EPA's NOI Processing Center. Permits are issued to the Tribal Department proposing the project. A determination of need for a permit is incorporated within the Environmental Assessment document decision making process. Once the environmental threshold is determined, a project disturbing more than one acre of land is required to have a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is created by WEPD staff and issued to the lead Tribal department.

Upon satisfactory completion of permanent erosion control measures, the SWPPP is terminated. WEPD conducts regular site monitoring.

6. **Consultation (FY09/10/1)**
The Tribe participated, in conjunction with Alpine County Watershed Group and American Rivers in the Upper Carson River Stream Flow Assessment Project. The Tribe conducted background research and field assessments of stream flow conditions in the Upper Carson River Watershed.
7. **Response to Actions (FY09/10/11)**
The Tribe responded to the Ray May Fire to help determine restoration on Tribal Trust and allotment lands. Replanting the area with native species will help prevent erosion and loss of topsoil.
8. **TAS and Water Quality Standards (FY09/10/11)**
The Tribe is progressing with development of the TAS application and development of water quality standards. The draft TAS application was reviewed by EPA. The legal authority was completed and reviewed by General Council. An update to the TAS application is underway. The Legal Opinion was finalized and approved by EPA. The Tribe reviewed the draft Water Resource Protection Code for approval into the Tribe's Law and Order Code. It is necessary for the TAS application. They are compiling internal comments and incorporating the comments. Loss of staff slowed progress on completing the TAS application and work will continue in the next grant.
9. **Program Capacity Building and Coordination (FY09/10/11)**
Numerous education activities were completed. The Tribe has developed several storyboards that describe the surface and ground water programs. Staff participated in the Lahontan Cutthroat Trout Celebration at Lake Tahoe, Annual Carson River Snapshot Days, Clear Creek workdays, Carson River Clean Up Days, Tribal Earth Day, Lake Tahoe Snapshot Days and numerous other events.
10. **Response to Actions (FY09/10/11)**
The Tribe monitored numerous areas of the reservation in response to activities on adjacent properties. They collaborated with Nevada Dept of Transportation on several projects along US Highway 395 to implement stormwater improvement projects. They also continued to participate with Nevada Division of Environmental Protection (NDEP) and Carson City to monitor water quality at Fuji Park/Carson City fishing pond. This will assist in assuring that the Clear Creek system will be able to handle the diversion of flow into the fishing pond. The Tribe drafted a final comprehensive water quality report for the fishing pond monitoring and submitted the report to NDEP.

11. **Program Capacity Building and Coordination (FY09/10/11)**
WEPD has been working on a 5 year plan (2012-2017) which they hoped to complete by the end of 2011. However, due to staff shortages, remaining staff were busy completing other activities and strategic planning was delayed. A draft has been completed. This activity will continue into the next grant.
12. **Regional and National Tribal Operations Committees (FY09/10/11)**
The WEPD Director is very active in the Regional Tribal Operations Committee and National Tribal Operations Committee. The Tribe believes that participation is vital to accomplishing Tribal water resource and natural resource protection goals. The Tribe completed and submitted the CWA Section 106 Needs Assessment in October, 2011.

Recommendations/Resolution Plan

None

EPA Contact

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